

2. **Term of Easement:** The easement granted hereunder shall be perpetual and shall have no expiration date.
3. **Conservation Values:** The Conservation Easement Area possesses substantial value in conserving and protecting the physical, biological and chemical integrity of the Piney Creek watershed and is important in the protection of the existing or designated use of the waters of the state pursuant to §303 of the Clean Water Act, 33 U.S.C. §1313 and §6111.041 of the Ohio Water Pollution Control Act. The specific conservation values of the Conservation Easement Area have been documented in the application for ACOE Section 404 Permit No. 200101542 and have been recognized by the OEPA in the grant of a Section 401 Water Quality Certification, #020724.

The specific condition and conservation values of the Conservation Easement Area have been documented in a "Baseline Documentation Report" attached hereto as Exhibit J and incorporated by reference herein, which includes any and all maps, reports, photographs, descriptions of prominent vegetation, land use history and distinct natural features characterizing the Conservation Easement Area at the time of the grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. The parties acknowledge that the Baseline Documentation Report is an accurate representation of the Conservation Easement Area at the time of this grant.

4. **Prohibited Actions:** Any activity on or use of the Conservation Easement Area inconsistent with the purposes of this Conservation Easement or detrimental to the conservation values expressed herein is expressly prohibited. By way of example, and not of limitation, the following activities and uses are explicitly prohibited:
 - a. **Division:** Any division or subdivision of the Conservation Easement Area;
 - b. **Commercial Activities:** Commercial development or industrial activity;
 - c. **Construction:** The placement or construction of any man-made modifications, including but not limited to: buildings, structures, fences, mobile homes or trailers, advertising, billboards, camping accommodations, roads and parking lots;
 - d. **Destruction or Introduction of Vegetation and Animals:** The removal or destruction of native growth in the Conservation Easement Area, the use of fertilizers, the spraying of herbicides, pesticides or biocides, the introduction of nonnative wild animals and vegetation, grazing of domestic animals, or disturbance or change in the natural habitat (except in the enhancement of wildlife habitats) and the cutting of trees, ground cover or vegetation, except that such removal or destruction may be undertaken for the following purposes:
 - (1) The control or prevention of hazard, disease, or fire, and for the purpose of restoring natural habitat areas to promote native vegetation; and,
 - (2) The removal of those portions of dead, diseased, damaged, destroyed, or fallen trees, shrubs, or other vegetation that physically block streams; and,
 - (3) The elimination and removal of grapevines, poison ivy, and other toxic and undesirable growth which can be cut and left laying;